

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

MAXINE McDONALD,)
)
)
Plaintiff,)
)
)
vs.) Case Number CIV-09-486-C
)
)
GREAT PLAINS IMPROVEMENT)
FOUNDATION,)
)
)
Defendant.)

ORDER

Plaintiff, proceeding pro se, filed the present action asserting various claims of employment discrimination. The case was referred to United States Magistrate Judge Doyle W. Argo, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B) for initial proceedings. Plaintiff filed an Application to Proceed Without Prepayment of Fees on May 18, 2009, and Judge Argo issued his Report and Recommendation on June 4, 2009, finding that Plaintiff had sufficient funds to prepay the \$350 filing fee and recommending that the Court deny Plaintiff's IFP application. Plaintiff sent a letter to the Court on June 16, 2009, which the Court construes as an objection to the Report and Recommendation. Plaintiff requests that the Court reconsider Judge Argo's Report and Recommendation and either waive the filing fee or permit her to pay it pursuant to a payment plan.

Pursuant to 28 U.S.C. § 1915(a)(1), a court may authorize commencement of a civil action without prepayment of the statutory \$350 filling fee upon a determination that the plaintiff is unable to pay such a fee. If plaintiffs are not permitted to proceed in forma pauperis, then they must immediately pay the required filing fee. See Wallin v. Arapahoe

County Det. Facility, Nos. 06-1373, 06-1376, 06-1416, 2007 WL 2153224, at *3, 5 (10th Cir. Jul. 27, 2007) (following denial of IFP motion, “immediate payment of the unpaid balance of the appellate filing fee is due . . .”). In the present action, the Court agrees with Judge Argo’s finding that Plaintiff has sufficient funds and assets to prepay the filing fee of \$350.

Accordingly, the Report and Recommendation is adopted, in its entirety, and Plaintiff’s Application to Proceed Without Prepayment of Fees (Dkt. No. 6) is DENIED. If the filing fee is not paid in full by July 13, 2009, then Plaintiff’s complaint will be dismissed without prejudice.

IT IS SO ORDERED this 22nd day of June, 2009.



ROBIN J. CAUTHRON
United States District Judge